

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANONYMOUS,

Petitioner,

-against-

MARK MILLER, Superintendent Green Haven
Correctional Facility,

Respondent.

24-CV-1360 (RA)(RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

On February 22, 2024, Petitioner, through counsel, filed a habeas corpus petition under 28 U.S.C. § 2254. (ECF 1.) Petitioner filed this action anonymously and refers the Court to Exhibit A-002 of the Petition for the April 21, 2016, Order of the Appellate Division, First Department, which granted Petitioner’s “motion for anonymity and sealing the record on appeal and all future filings.” (*Id.* at Cover Page, n.1.)

Petitioner has not made a formal application to proceed anonymously in this federal action and certain exhibits to the Petition, which were filed on the public docket, contain information regarding Petitioner’s identity. To preserve Petitioner’s anonymity while this issue is addressed, the Clerk of Court is respectfully directed to temporarily seal ECF 1-1, ECF 1-2, ECF 1-17, restricting access only to the parties until otherwise directed by the Court.

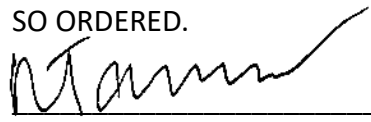
The state appellate court’s adoption of an anonymous caption is not in itself sufficient to support Petitioner’s filing anonymously in this federal action without having made a formal application to do so. *See Doe v. Greiner*, 662 F.Supp.2d 355, 364 (S.D.N. Y. 2009). To decide whether a plaintiff may be allowed to prosecute an action anonymously, “the plaintiff’s interest in

anonymity must be balanced against both the public interest in disclosure and any prejudice to the defendant.” *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 189 (2d Cir.2008).

Accordingly, by **June 14, 2024**, Petitioner shall submit an application to proceed anonymously in this action and to permit certain exhibits that disclose Petitioner’s identity to remain under seal. Respondent shall submit a response, if any, by **June 21, 2024**.

DATED: May 22, 2024
New York, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Robyn F. Tarnofsky', written over a horizontal line.

ROBYN F. TARNOFSKY
United States Magistrate Judge